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Pro Se 8 (Rev. 12/16) Complaint for Violation of Fair Labor Standards

UNITED STATES DISTRICT COURT

for the

District of South Carolina

Florence Division

Case No. _____

(to be filled in by the Clerk's Office)

Herschel Jarmal Ham

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Eric Bingham, Janet Ayyad Ismail

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF FAIR LABOR STANDARDS

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Herschel Jarmal Ham2212 West John Paul Jones RoadEffingham, Florence CountySouth Carolina, 29541843-598-5307herschelham@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 8 (Rev. 12/16) Complaint for Violation of Fair Labor Standards

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Eric Bingaman
Thermo Fisher Scientific Inc. (Human Resource Manager)
6173 East Old Marion Hwy.
Florence, Florence County
South Carolina, 29506
843-629-4000
Eric.bingaman@thermofisher.com

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Janet Ayyad Ismail
Austin Industries Inc. (Corporate Counsel)
3535 Travis Street, Suite 300
Dallas, Dallas County
Texas, 75204
214-443-5700 (Direct: 214-443-5677)
jismail@austin-ind.com

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

C. Place of Employment

The address at which I am employed or was employed by the defendant(s) is

Name

Thermo Fisher Scientific Inc.

Street Address

6173 East Old Marion Hwy.

City and County

Florence, Florence County

State and Zip Code

South Carolina, 29506

Telephone Number

843-629-4000

II. Basis for Jurisdiction

This action is brought pursuant to (check all that apply):



Fair Labor Standards Act, as codified, 29 U.S.C. §§ 201 to 209.



Relevant state law



Relevant city or county law

III. Statement of Claim

State as briefly as possible the facts of your case. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Nature of employer's business:

Austin Industrial of Austin Industries provides maintenance service for ThermoFisher Scientific.

B. Dates of employment:

Feb. 24 2020 — Nov. 27 2023

C. Employee's job title and a description of the kind of work done:

I + E Technician (Instruments + Electronics) provided maintenance on ThermoFisher's devices.

D. Rate, method, and frequency of wage payment:

\$31.90 hourly, Direct Deposit, Paid Weekly

E. Number of hours actually worked each week in which a violation is claimed:

No less than the average 42 hours weekly but weekly avg. increased over time.

F. Description of the alleged violation(s) (check all that apply):

☐ Failure to pay the minimum wage (explain)

☒ Failure to pay required overtime (explain)

Time required to be at work does not reflect the time paid for being at work.

☒ Other violation(s) (explain)

Retaliation (Termination, Denial Promotions, Denial Hire)

G. Date(s) of the alleged violation(s):

Feb. 24, 2020 - Nov. 27, 2023 (Hire Denial: Dec. 05, 2023) (Jun. 27, 2024)

H. Additional facts:

Denial of Employment stated, I don't meet minimum criteria yet hired others less qualified than me

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Lost of wages, Continued denial of employment, Job search cost, Emotional distress, lost of enjoyment of life
Harm to reputation, pre-mature birth of child, medical bills (depression for me, bills and cost of premature
Also considering the fact that both defendants acted willingly with ~~malice~~ malice and both
defendants employ over 500 employees, I am asking for 1.2 million dollars in relief
for damages. Damages effecting and still affecting, not only myself but my family and life in gene

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

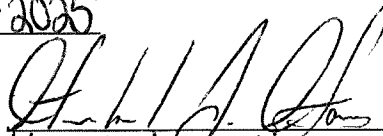
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

03-26-2025

Signature of Plaintiff

Printed Name of Plaintiff


Herschel J. Ham**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____